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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,323	04/08/2004	Jason Cerrano	19215-5	8522

7590

07/18/2006

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EXAMINER

WOLFE, DEBRA M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,323	CERRANO, JASON	
	Examiner	Art Unit	
	Debra Wolfe	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on April 25, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent No. 6,722,176 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the above claims states "in accordance with Claim 30 Claim 26" therefore the dependency of the above claims is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

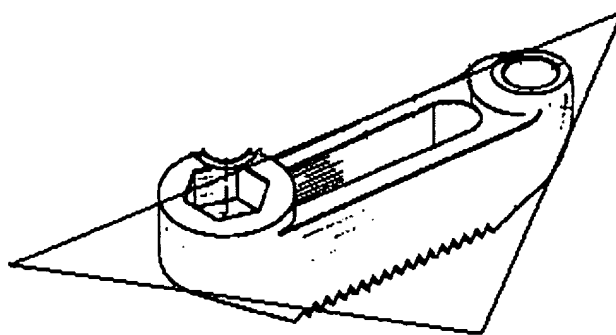
A person shall be entitled to a patent unless –

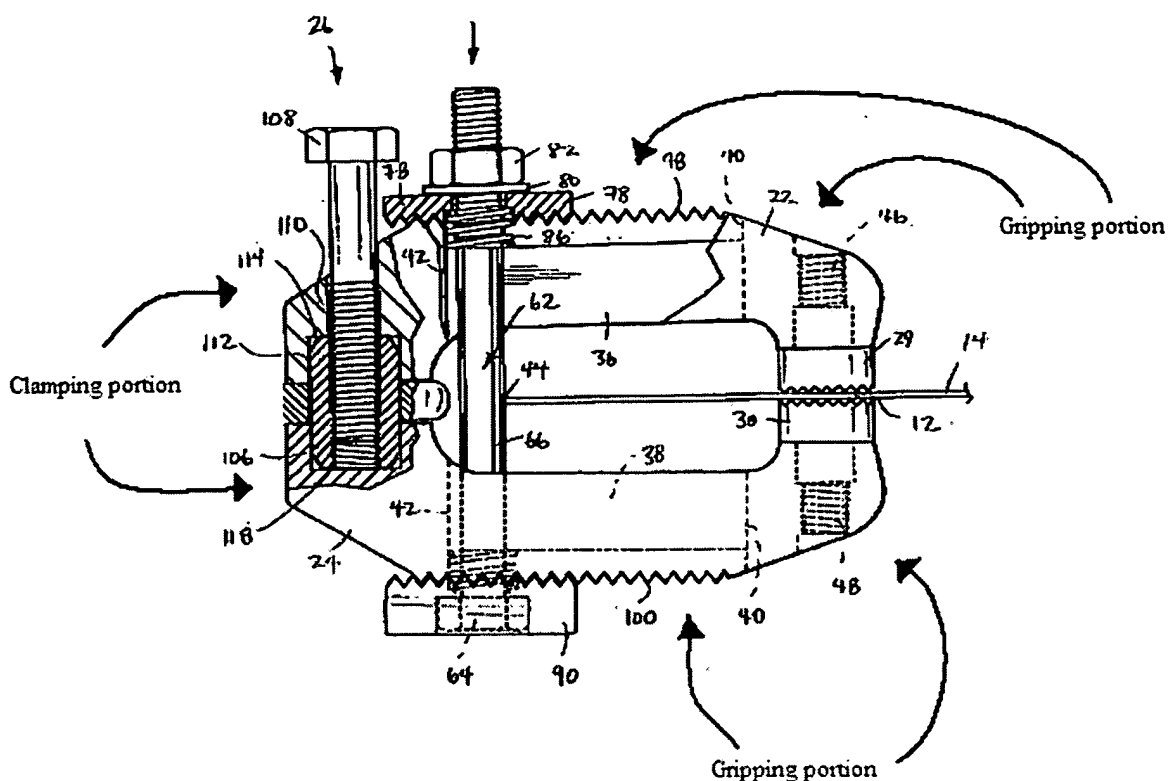
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chartier (U.S. Patent # 6,481,257). Chartier discloses an automobile repair clamp having an elongate body (62) and a pair of opposing arms (22,24) comprising a substantially triangular cross-sectional profile



first arm (22) and a substantially triangular cross-sectional profile second arm (24) [See FIG below] extending outwardly from the body (62), at least one of the first arm (22) and the second arm (24) slidably coupled to the body (62) with each of the arms (22, 24) comprises an inner face and an outer face wherein at least one of the first arm (22) inner face and second arm (24) inner face comprising a plurality of teeth and at least one of the first arm (22) outer face and the second arm (24) outer face comprising a plurality of grooves (98, 100) defined therein that extend from the gripping portion to a tip of the coupling portion. The first arm (22) is substantially parallel to the second arm (24) and both arms are slidable along the body (62) such that the first arm (22) remains substantially parallel to the second arm (24). Chartier further discloses a collar (78, 90) configured to couple to the body (62) and threadingly couple with the first arm (22) and the second arm (24) wherein the collar (78, 90) limit an amount of travel of at least one of the first arm (22) and the second arm (24). [See FIG below] It is noted that the tool of Chartier is capable of being used as a rescue tool as required in claims 14-25.





Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfauser (U.S. Patent # 2,165,503) in view of Vigil (U.S. Patent # 6,311,537). Pfauser discloses a portable hydraulic metal straightening machine having an elongate body (200) and a pair of opposing arms (203, 205) comprising a substantially triangular cross-sectional profile first arm (205) and a substantially triangular cross-sectional profile second arm (203) extending outwardly from the



body (200), at least one of the first arm (205) and the second arm (203) slidably coupled to the body (200) with each of the arms (203, 205) comprises an inner face, an outer face and coupling and gripping portions. The first arm (205) is substantially parallel to the second arm (203) and both arms are slidable along the body (200) such that the first arm (205) remains substantially parallel to the second arm (203). Pfauser further discloses a collar (bracket 205') configured to couple to the body (200) and threadingly couple with at least one of the first arm (205) and the second arm (203) wherein the collar (205') limit an amount of travel of at least one of the first arm (205) and the second arm (203). It is noted that Pfauser states that the apparatus can be used for automobile repair work but may also be used to force deformed frames, bodies, fenders, etc apart or together and therefore is capable of being a rescue tool [See lines 4-10]. Pfauser discloses the invention substantially as claimed except for wherein the first arm inner face and the second arm inner face have a plurality of teeth and at least one of the first arm outer face and the second arm outer face have a plurality of grooves defined therein. However, Vigil teaches of a blade for a rescue tool having an inner face with a plurality of teeth and an outer face with a plurality of grooves that extends from the gripping portion to a tip of the coupling portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arms (205, 203) of Pfauser to have a plurality of teeth on the inner face and a plurality of grooves on the outer face in order to prevent slippage when spreading the jaws apart and to provide a better gripping function when clamping/gripping a material. With regards to the claims 26-32 pertaining to a method of emergency extrication from a structure with a rescue tool, Pfauser in view of Vigil is capable of performing the claimed method.



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Friday 6am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lowell A. Larson
Primary Examiner

Debra Wolfe
Examiner
Art Unit 3725